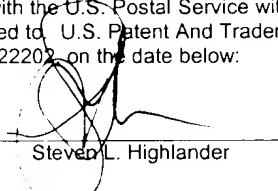




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37 C.F.R. §1.8

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Steven L. Highlander

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Val C. Sheffield et al.

Serial No.: 09/612,809

Filed: July 10, 2000

For: THERAPEUTICS AND DIAGNOSTICS
FOR CONGENITAL HEART DISEASE
BASED ON A NOVEL HUMAN
TRANSCRIPTION FACTOR

Group Art Unit: 1642

Examiner: Unknown

Atty. Dkt. No.: IOWA:042USD1/SLH

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT
APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID
SEQUENCE DISCLOSURES DATED SEPTEMBER 27, 2002**

U.S. Patent and Trademark Office
Box Sequence, P.O. Box 2327
Arlington, VA 22202

Commissioner:

This paper is submitted in response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures dated September 27, 2002, the deadline for response being October 27, 2002.

It is believed that no fee is due; however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason, the Commissioner is authorized to deduct said fees from Fulbright & Jaworski L.L.P. Account No.: 50-1212/10107932/SLH.

RESPONSE TO NOTICE

Submitted herewith is a Statement As Required Under 37 C.F.R. § 1.821(f); paper copy of sequence listing and computer readable form (CRF) which comply with requirements for patent applications containing nucleotide sequence and/or amino acid sequence disclosures.

Applicants believe that the attached documents fully responds to the Notice to Comply With Requirements For Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures for this application.

Respectfully submitted,



Steven L. Highlander
Reg. No. 37,642
Patent Agent for Applicants

FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701
(512) 474-5201
(512) 536-4598 (facsimile)

Date: October 23, 2002

Notice to Comply

Application No.

09/612,809

Examiner

Gerald G. Leffers Jr.

Applicant(s)

SCHEFFIELD, ET AL

Art Unit

1636

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: There are sequences in the figures (e.g. Figure 2) that require sequence identifiers and that are not present in the sequence listing or CRF. Also, it is noted that the specification refers to sequences not present in the sequence listing (e.g. SEQ ID NO: 3).

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

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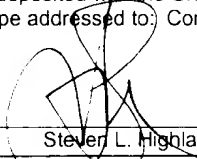


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October 23, 2002
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Steven L. Highlander

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BASED ON A NOVEL HUMAN
TRANSCRIPTION FACTOR

STATEMENT AS REQUIRED UNDER 37 C.F.R. § 1.825(a) AND (b)
AND STATEMENT AS REQUIRED UNDER 37 C.F.R. § 1.821(g)

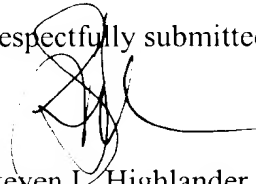
U.S. Patent and Trademark Office
Box Sequence, P.O. Box 2327
Arlington, VA 22202

Commissioner:

Submitted herewith is a substitute computer readable form and a substitute paper copy of the sequence listing of those sequences in the captioned patent application, wherein minor errors have been corrected. The substitute computer readable form of the sequence listing is the same as the substitute paper copy of the sequence listing. The sequence information provided in the Specification is also the same as the sequence listing of the enclosed substitute computer readable and paper forms of the sequence listing.

In accordance with 37 C.F.R. § 1.821(g), it is herewith represented that no new matter is included with this submission.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "SLH", is written over a circular stamp or seal.

Steven L. Highlander
Reg. No. 37,642
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701
(512) 536-3184

Date: October 23, 2002